

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:04cr228

UNITED STATES OF AMERICA

vs.

TIMOTHY LAMONT McCLENDON

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ORDER

THIS MATTER is before the Court upon motion of the defendant pro se for a reduction of sentence based on amendments to the United States Sentencing Guidelines. (Doc. No. 23).

The defendant contends that his criminal history should be calculated differently based on changes to the guidelines relating to the scoring of minor offenses and related cases. (Doc. No. 23: Motion at 4). The defendant is not entitled to relief because the Amendment 709 is not retroactive. United States v. Wood, 526 F.3d 82, 88 (3d Cir. 2008); United States v. Cofield, 259 Fed. Appx. 575, 576 (4th Cir. 2007); USSG §1B1.10(c) (2008).

IT IS, THEREFORE, ORDERED that the defendant's motion is **DENIED**.

Signed: August 25, 2008



Robert J. Conrad, Jr.
Chief United States District Judge

